

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARISE FOR SOCIAL JUSTICE;)
ØOISTE?; NEW ENGLAND STATE-AREA)
CONFERENCE OF THE NAACP;)
REV. TALBERT W. SWAN, II;)
NORMAN W. OLIVER; DARLENE)
ANDERSON; GUMERSINDO GOMEZ;)
FRANK BUNTIN; RAFAEL RODRIQUEZ;)
and DIANA NURSE)Civil Action No. 05-30080-MAP
)
Plaintiffs,)
)
v.)
)
CITY OF SPRINGFIELD and SPRINGFIELD)
ELECTION COMMISSION)
)
Defendants.)
)

ASSENTED TO MOTION TO AMEND SCHEDULING ORDER

Defendants in the above-captioned action respectfully move to amend the scheduling order that currently applies to Defendants' expert disclosures. Plaintiffs have agreed to this extension. In the support of this motion Defendants provide as follows.

1. On February, 24, 2006 the Court entered the following amendment to the scheduling order, providing Plaintiffs' expert an additional two weeks to complete and make available expert reports:

Current Scheduling Order	
Plaintiffs' expert reports due	March 10, 2006
Deposition of Plaintiffs' experts completed	April 7, 2006
Defendants' expert disclosure due	May 5, 2006

Deposition of Defendants' expert completed by	June 9, 2006
Case management conference	June 26, 2006

2. Plaintiffs' made their three experts available for deposition on the following dates: April 7, 2006 (Dr. Harmon), April 19, 2006 (Dr. Engstrom, in Boston), and April 21, 2006 (Dr. Amy). Defendants requested documents to which all experts referred or relied upon in their report and from Dr. Engstrom, regression run printouts, printouts of all other analysis performed and any scattergrams or other diagrams used for the interpretation of the results of the regression runs or other analysis. Defendants agreed upon a further limitation when it appeared that an expansive interpretation of this request might be burdensome to Plaintiffs and experts.

2. As a result of the only recent availability of documents related to Plaintiffs' experts and because Defendants' expert had been unexpectedly required to travel to New York City and Washington, D.C., a three-week extension within which to complete and make available the expert report of Dr. Thernstrom, Defendants' one expert witness, is required. Because Dr. Thernstrom is Defendants' only expert witness, the additional time is necessary to provide him a reasonable opportunity to address the issues and claims raised by all of the Plaintiffs' expert witnesses.

3. Defendants have agreed to extend the time within which Plaintiffs may depose Defendants' expert due to the unavailability -- during several weeks in the month of June -- of one of Plaintiffs' several attorneys of record.

4 Accordingly, the Defendants request -- with the agreement of the Plaintiffs -- that a new Scheduling Order be entered as follows:

Proposed Scheduling Order	
Plaintiffs' expert reports due	March 10, 2006
Deposition of Plaintiffs' experts completed	April 7, 2006
Defendants' expert disclosure due	May 26, 2006
Deposition of Defendants' expert completed by	July 14, 2006 or other mutually agreed upon date
Case management conference	June 26, 2006

Respectfully submitted,

CITY OF SPRINGFIELD and
SPRINGFIELD ELECTION COMMISSION

By _____
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City Solicitor
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Assented to Motion to Amend Scheduling Order was filed electronically with this Court on this 5th day of May, 2006 and that all parties will be served via this electronic filing system. In addition, I certify that of May 5, 2006, a copy of this Motion was served by electronic mail on counsel for the Defendants, Nadine Cohen and Paul Nemser.

Edward M. Pikula (BBO #399770)
City Solicitor

